

Duxbury's town landings

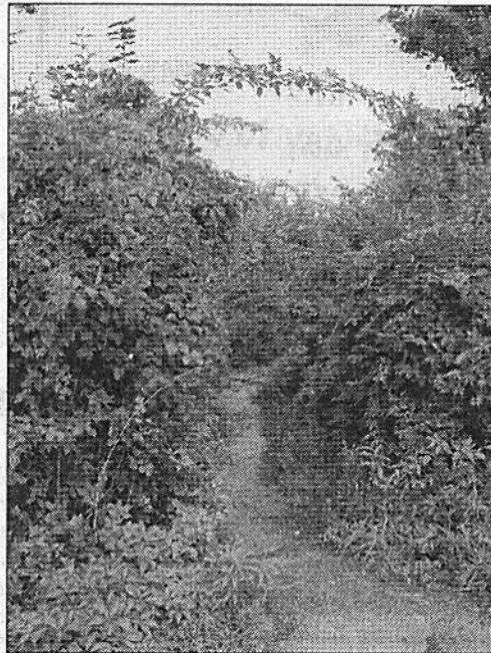
Hidden away through bushes and off driveways, town landings and 'public ways to the water' have always been thorny issues in town

Editor's note: This series of stories providing an in-depth look at the town's landings originally ran in 1999. In light of the recent hubub surrounding Howland's Landing/Blairhaven, we thought our readers would appreciate another look. The stories have been edited slightly from the 1999 printing. This is the first of three-part series. Part 1 defines town landings and delves into the histories of the six oldest landings. Part 2 examines the push to create new town landings in the early 1900s. Part 3 focuses on the issues surrounding town landings and how they have been controversial through the years.

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Duxbury's 16 town landings and seven "public ways to the water" are some of the best kept secrets in town, despite the fact that most landings are over 150 years old.

The secrecy surrounding town landings arises from many causes. First, many of these ancient landings are tucked into well-established seaside neighborhoods, and neighbors usually don't want their locations publicized. This desire is somewhat justified, as many landings are really only accessible by foot, eliminating access by the general car-driving public. Also, most town landings have no signs pointing out their locations, and some of the paths to the landings are so overgrown that the landings are nearly hidden. There are some cases where the access to a landing is a shared drive to adjacent houses, creating the feeling of private property. Finally, there are instances where abutters have encroached upon town property to the extent that it is almost impossible to tell what land is public and what is private without a plot plan in hand.



This picture of an overgrown path off Josselyn Avenue tells a typical tale when it comes to town landings. Many are difficult to locate without a map and wouldn't be obvious to the average resident.

And finding maps of some of these town landings can be difficult, as someone has ripped out the plans showing landings' locations and boundaries from books at the Plymouth County Registry of Deeds. Also, the binder containing the original copy of the last town landing committee's 1975 report, complete with color photos, is missing from the town clerk's files. Fortunately, duplicate maps and reports do exist.

In addition to being shrouded in secrecy, town landings and their purposes are much misunderstood. Many people believe landings are boat launch areas. However, this is only one use of a town landing. Mattakesett Court (the town pier) and Howland's Landing on Standish Shore are both used for launching boats, but Josselyn Avenue, Winsor Street and Water Street are only footpath

landings, providing access to the water. Launching a motor boat at these places is impossible. Historically, landings were used to land the sea's bounty, whether it was salt hay, fish or shellfish. The oldest landing dates back to 1715. Many were officially recorded in 1834 and again in 1898. Others are more recent, being established in the early 1900s.

Town landings have frequently been the source of controversy between adjacent private property owners and the public. For over 100 years, the town has used numerous committees to study and document its town landings. One committee that formed in 1893 took six years to examine town landings and report its findings and recommendations. After that 1899 account, others were generated every few years until 1921. Most recommended town officials preserve the current landings and seek new ones.

In 1974, Duxbury Town Meeting voted to appoint a new committee to examine all the landings and identify them with signs. That committee reviewed all the previous information and in 1975, published its report and recommendations, many of which are still in effect today. There are, however, still no signs.

Town landings: Duxbury's hidden secrets

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Definition of a Landing

The 1975 report definition states: "Town landings are designated areas to which the town has an undoubted right, which have been surveyed and recorded with the Plymouth County Registry of Deeds to the low water mark. They are either historic or created by enabling legislation enacted by the Massachusetts State Legislature in 1908."

The key part of this definition is that the landings have been surveyed to the low water mark. This means the public has access to that point and beyond because the coastal waters are owned by the Commonwealth of Massachusetts. This is what makes town landings so important, because an ancient state law prevents the public from accessing the area in front of private seaside homes if their deeded ownership runs down to the low tide mark.

Called the Colonial Ordinance of 1647, this law states that the public may only use the intertidal area – the space between mean high and low water – in front of private property with deeded beach rights for fishing, fowling (i.e. duck hunting) or navigating. Walking is not included in the law's language. The purpose of this early law, which has been challenged and upheld in court many times in over 150-plus years, was to protect the rights of seaside property owners and encourage them

to build docks to enhance ocean commerce. However, this law also provided access for the public whose existence depended upon the ocean for transportation, for fish and shellfish, and for sea hay for livestock fodder. Massachusetts and Maine (which used to be a part of Massachusetts) are the only states that grant the rights of property owners to low water.

In the 20th century, Duxbury was a pioneer in the establishment of legally deeded publicly owned town landings. A Duxbury initiative in 1908 prompted an act of the state legislature that authorized towns to lay out highways to the low water mark and create town landings.

Public Ways to the Water

Duxbury's town landings allow the public to access the ocean below the high water mark for any reason. Public ways to the water do not. They allow people to go to high water and only enter the intertidal area if they are fishing, fowling or navigating. The 1975 report definition states they are "designated areas to which the Town has rights as public ways to the water, by gift or otherwise, which may or may not be restricted as to their usage and which have not been specifically laid out

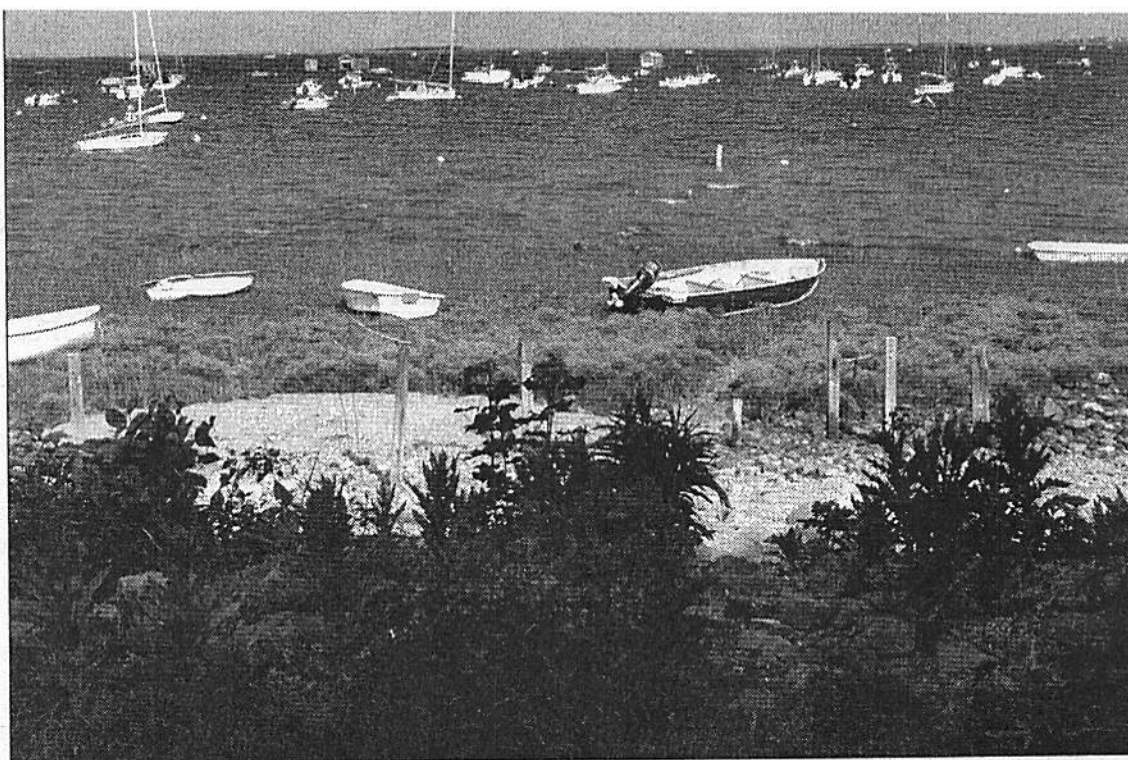
and surveyed to the low water mark and recorded as Town Landings."

Included in this definition are roads laid out by the town or extended or improved by town funds and accepted as public highways. For example, in 1901, Samoset, Sagamore, Elder Brewster and Massasoit roads were all laid out by the town off what was then known as Columbus Avenue (now Marshall Street) on Porter Shore, now Standish Shore. In 1907, the town accepted Columbus Avenue and the four side roads, but the ends of these roads were never

declared town landings.

The other public ways to the water – Island Creek Pond, Bay Farm and the Myles Standish homesite – differ from the Standish Shore streets and also from each other and from town landings. Island Creek Pond allows small vessels to access a freshwater pond.

Acquired in 1972 for \$200,000, the 40-acre Bay Farm provides access to Kingston Bay. Cars used to be allowed to travel to the shore, but the town blocked off vehicle access in the 1980s because too many kids used it for parties. In 1999, the Duxbury and Kingston police enforced a residents-only parking ban there. This activity was ironic



Small boats, often called dinghies, rest on the marsh near the Winsor Street Landing. Boat owners who moor their larger craft off shore will often use small craft to reach the bigger vessel.

in light of the 1975 report that stated: "We feel to allow this area to continue unattended is to invite misuse and the possible creation of a public nuisance."

The Myles Standish home-site is a park that also provides access to Kingston Bay. In 1921, the Standish Shore Road Committee proposed acquiring the site for the town, and in 1930, Town Meeting accepted the gift. The 1975 report identified this area as "a foot and bicycle landing," claiming it could be designated a town landing by selectmen because it met all the qualifications.

The Importance of Landings

Town landings are important both historically and to modern society. "For hundreds of years, the lifeline of Massachusetts cities and towns was their access to the sea. Culture and livelihoods revolved around the water, spawning generations skilled in trading, fishing, shipbuilding, and navigation. Although modern needs have largely shifted from industry to recreation, coastal access still remains vitally important to our quality of life," states a 1999 Massachusetts Coastal Zone Management publication called "Preserving Historic Rights of Way to the Sea." Since only

about 25 percent of the state's 500 miles of coast is publicly owned, historic rights of way to the sea such as landings are very important. "By preserving historic rights of way, communities permanently increase shorefront access and guarantee for future generations their heritage of public coastal use," states the CZM handbook, which details how towns can and have reclaimed public access to the sea.

The importance of town landings and their access cannot be overstated, according to Duxbury Harbormaster Donald Beers. "Landings are be-

coming more and more important because more people are moving to Duxbury," Beers explained. "Landings create a passage to the shore. Losing a landing would be like losing a road. They're sacred."

Apparently, Duxbury's town fathers felt the same way as Beers, as evidenced by the number of town landing committees commissioned and their subsequent recommendations, beginning in 1899, that the town examine their legal rights to town landings, have them surveyed, clearly marked with boundary markers and registered with the town clerk. Hiring an attorney to legally enforce the town's claims was also considered in the reports.

Town Landings 1715-1870

The 1899 report found six old town landings: Anchorage Lane, Cove Street, Drew Salt Works behind Bay Pond Rd., Simeon Soule's and Clark Peterson's landings off Powder Point Ave., and the Powder Point Bridge landing, which it called "of fairly recent origin, having been laid out by the County Commissioners in 1870."

Anchorage Lane

The oldest public landing in Duxbury is on Anchorage Lane off St. George St. It is thought to date back to 1715, according to the 1899 committee report. Located by "Old Mill Pond by Blue Fish River," it adjoins land formerly owned by Amherst A. Frazar and then by Samuel A. Frazar. In the early 1900s there was a boundary dispute over this landing, and in 1902, Town Meeting voted to authorize the Town Landing Committee to settle the question of this area and employ an attorney if necessary. Now this landing is rarely used for access to the water and but it is perfect for nature observation. Anchorage Lane itself is a private road and no parking is allowed.

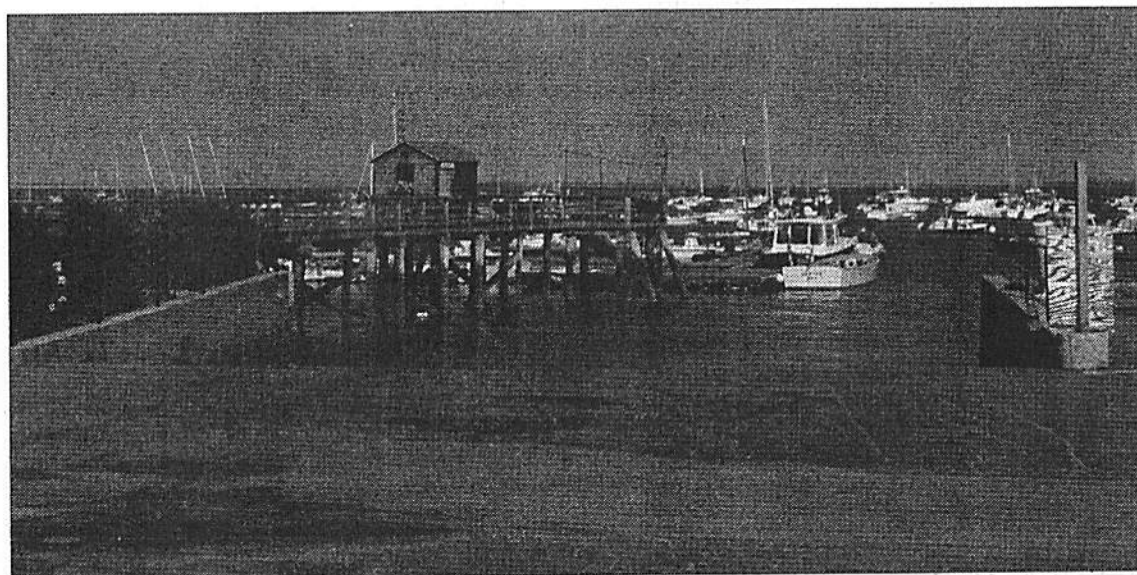
Bluefish River

This landing is undoubtedly older than when it was first mentioned by a committee in 1900 since its report states: "that the town owned a part of this wharf is no new discovery," and because this area was active in the previous century. In 1904, it appears the town allowed the No. 1 Fire Engine House to be built next to the landing. Now that building houses the harbormaster's ATVs (all terrain

vehicles) used on Duxbury Beach. An unpaved launching area used for small craft exists behind at this landing, and the adjacent parking lot is frequented by Blue Fish River bridge jumpers.

Cove Street

Cove St. on the Back River, officially dates to 1834, a year when many landings were similarly designated. Called "Old Cove," it was described in the 1899 report as "the most valuable one that the town possesses." This landing flourished into the early part of this century until the drawbridge on the Powder Point bridge was eliminated. Tall ships brought their cargoes of lumber, coal, molasses, rum and hemp up into this landing via Duck Hill River, which was at least 3 feet deeper than it is now. Cove St. was also used as a bathing beach with at least 20 bathhouses and a dozen boathouses in the 1920s. It is currently used as an anchorage and, minimally, as a boat launching area. It has a small parking area, but it has serious problems with erosion and drainage. The 1975 committee recommended bringing in loads of sand and gravel to expand the beach and create spaces for 10 parked cars. It wanted the site to be surveyed to determine how a small culvert or drain could be put in to reduce washout and erosion. In 1992, Conservation Administrator Joseph Grady and then-building inspector Kevin McDonald drew a plan for reducing erosion from storm water run off, but nothing has ever been done with it.



The Mattakeeset Court Landing, near the Harbormaster's office on Duxbury Bay, is one of the more prominent landings and one of the few where a boat can be driven into the water and launched.

Drew Salt Works, Simeon Soule's and Clark Peterson's Landings

From Cove St. along Powder Point Ave. there are three more old town landings facing the Back River: Drew Salt Works at the end of Bay Pond Rd., Simeon Soule's landing about halfway down Powder Point Ave., and Clark Peterson's landing (also known as Dr. Bumpus's landing) about three-quarters down the avenue before the bridge.

Drew Salt Works was defined as a town landing in 1834. It is not well-used today and exists primarily as an access to the Back River marsh. The access to it is at the end of Bay Pond Rd., and it seems as though one is traveling over private property to reach the landing. Although a car can drive to it, this landing is best accessed by foot.

Simeon Soule's landing is also a very old landing. In a town document from 1794, it is referenced by the Duxbury selectmen as "the Old landing place near Simeon Soule's." It also has dates on the town

books of 1803 and 1834. It is behind land formerly owned by the Ellison family. Access to this landing is over a dirt right-of-way. It is currently used as a small boat anchorage and an entrance to the waters of the Back River.

Dating to 1834, Clark Peterson's landing (Bumpus's landing) is the last public entry to the marsh before the Powder Point Bridge. Like many of the entries to landings, this paved lane seems as though it travels over private property because of the homes only a few feet away on either side. However, it is an active landing and is the site of anchorage of quite a few motor boats, many of which belong to shellfishermen.

Powder Point Bridge

The Gurnet, Long, or Powder Point bridge was first erected in 1872, but the landing was created in 1870. In 1901, this town landing was officially recorded with County Commissioners as a "Highway to the Sea." If that sounds confusing since the landing is in Duxbury Bay, consider that in 1909, a report stated that the water at this landing was "the deepest water of any landing in over a hundred miles of coast from Boston harbor to Provincetown."

This area is one of the largest and most active town landings. On the south side there is an upper and lower parking lot and a boat launch area. At high tide, boaters and windsurfers frequent the landing, and at low tide people search here for shellfish. There is a teeny access strip on the sandy north side, but it borders a larger area of private property and is not frequently used.

As the 19th century drew to an end, Duxbury continued to solidify its grasp on its historic landings while looking toward creating new passages to the water in the future. Town landing committees turned their eye to opening up access in the Bay Rd. and Standish Shore areas because as the town started its development as a summer community with homes being built on the water, there began to be fewer ways for the public to reach the ocean: "We have done something toward establishing the bounds of the old town landings ... and have added a few new landings. But much more should be done," stated a 1909 landing report. "There is very little opportunity for citizens and visitors to get to and enjoy the shore unless their land runs to the water."

In the early 1900s, the town successfully obtained nine more public landings. Next week's story will examine how this came about.

Losing a landing would be like losing a road. They're sacred."

— Don Beers, harbormaster

The landings

16 Town Landings:

Mattakeeset Court at the town pier, Cove St., Harden Hill, Howland's Landing, Drew Salt Works at the end of Bay Pond Rd., Simeon Soule's and Clark Peterson's landing off Powder Point Ave., Powder Point Bridge landings- both north and south sides, Anchorage Lane off St. George St., Bluefish River, Winsor St., Water St., Josselyn Ave. landings, Landing Road, Hick's Point Rd., and Ford's Stand off Ocean Rd. North.

7 Public Ways to the Water:

Island Creek Pond, Bay Farm, Miles Standish Homesite, Samoset Rd., Sagamore Rd., Elder Brewster Rd., and Massasoit Rd.

Shipyards Lane: Beach off Washington St. is neither a landing or a way to the water. It is a public beach given to the town as such in 1944 by Eben and Grace Ellison. Since Duxbury Beach is privately owned, it is actually the only town-owned beach in Duxbury.